

**THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
CENTERS FOR DISEASE CONTROL AND PREVENTION
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH**

convenes the

**ADVISORY BOARD ON
RADIATION AND WORKER HEALTH**

The verbatim transcript of the Meeting of the
Advisory Board on Radiation and Worker Health held
via Teleconference on Tuesday, February 5, 2002.

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Legend of the Transcript:

(phonetic) = Exact spelling unknown
 — = Break in speech continuity
 (sic) = Exactly as spoken

P A R T I C I P A N T S

(By Group, in Alphabetical Order)

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KAREN BUTLER
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MARK GRIFFON
JEFFREY L. KOTSCH
RICHARD MILLER
JERRY TUDOR

P R O C E E D I N G S

1:00 p.m.

DR. ZIEMER: Maybe we should go ahead and take an initial roll call here, Cori, do you think?

MS. HOMER: Is Kim, the court recorder, on?

MS. NEWSOM: Yes, Cori. I'm here.

MS. HOMER: Thank you, Kim.

We can go ahead and start. Let me go ahead. I'll find a roster and take roll.

You're here.

DR. Anderson?

[No response]

DR. ZIEMER: Henry's not on yet, then, okay.

MS. HOMER: Dr. Andrade is here.

DR. ANDRADE: Right, I'm here.

MS. HOMER: Dr. DeHart?

DR. DeHART: Yes.

MS. HOMER: Okay. Mr. Espinosa?

[No response]

DR. ZIEMER: I thought I heard Rich come on.
No?

[No response]

MS. HOMER: Sally, we know you're here.

MS. GADOLA: Yes.

1 **MS. HOMER:** Dr. Melius?

2 **DR. MELIUS:** I'm here.

3 **MS. HOMER:** Okay.

4 MS. Munn?

5 **MS. MUNN:** Yes, here.

6 **MS. HOMER:** Presley, I know you're here.

7 **MR. PRESLEY:** I'm here.

8 **MS. HOMER:** And Dr. Roessler?

9 **DR. ROESSLER:** I'm here.

10 **MS. HOMER:** Okay. Well, we don't yet have
11 Dr. Anderson or Mr. Espinosa.

12 **DR. ZIEMER:** We can wait just a moment.

13 Let's see, we have the court reporter on?

14 **MS. NEWSOM:** Yes.

15 **DR. ZIEMER:** Larry Elliott's here. Cori is
16 on.

17 **MS. KELLEY:** Alice Kelley.

18 **MS. HOMOKI-TITUS:** Liz Homoki-Titus.

19 **DR. ZIEMER:** I'm sorry?

20 **MS. HOMOKI-TITUS:** Liz Homoki-Titus. I'm
21 one of the attorneys with NIOSH.

22 **MS. ARMSTRONG:** And Mary Armstrong. I'm an
23 attorney with NIOSH, too.

24 **DR. ZIEMER:** Mary, right.

25 Before we officially start, let's - this is

1 Paul Ziemer, and I'm going to ask each one if you
2 do have comments and so on as we proceed, please
3 identify yourself each time you talk. We don't
4 all recognize each other's voices yet, I'm sure.
5 So that will be helpful.

6 I think it would be helpful while we're
7 doing the roll call and we still are waiting for
8 Dr. Anderson and - let's see, who else was
9 missing?

10 **MS. HOMER:** Mr. Espinosa.

11 **DR. ZIEMER:** Espinosa. While we're waiting
12 for those two to join us, let us find out if we
13 have additional visitors to the call.

14 Are there any members of the public on the
15 line? And if there are would you please identify
16 yourself by name for the record, and if you
17 represent a particular organization please
18 identify that.

19 **MR. BARNES:** My name is James Barnes, B-A-R-
20 N-E-S. I'm the Radiation Safety Officer for the
21 Rocketdyne Division of Boeing.

22 **DR. ZIEMER:** Thank you, James.

23 Anyone else?

24 **MR. GRIFFON:** This is Mark Griffon. I'm a
25 health physicist consultant for PACE

1 International Union.

2 **DR. ZIEMER:** Thank you, Mark.

3 Others?

4 **MR. KOTSCH:** Jeff Kotsch is here,
5 K-O-T-S-C-H, health physicist with the Department
6 of Labor.

7 **DR. ZIEMER:** Okay, Jeff.

8 Any others?

9 **MR. TUDOR:** Jerry Tudor, sick worker at Oak
10 Ridge.

11 **DR. ZIEMER:** Could you give us that again?
12 I could barely hear that one.

13 **MR. TUDOR:** Jerry Tudor, T-U-D-O-R.

14 **DR. ZIEMER:** Jerry Tudor, okay.

15 **MR. TUDOR:** Sick worker at Oak Ridge.

16 **DR. ZIEMER:** Oak Ridge, okay. Thank you,
17 Jerry.

18 Any others?

19 [No responses]

20 **DR. ZIEMER:** Okay, so it appears we have
21 four members of the public on the line. If
22 others come aboard -

23 Who just joined us?

24 **MS. BROWN:** This is Karen Brown from
25 Savannah River Site. I've got Ken Crase here

1 with me.

2 **DR. ZIEMER:** Okay, Ken.

3 **MS. BROWN:** And Karen Butler.

4 **DR. ZIEMER:** Ken Crase and Karen Butler from
5 the Savannah River Site.

6 **MS. BROWN:** Westinghouse Savannah River
7 Company.

8 **DR. ZIEMER:** Okay. Thank you, Ken, welcome,
9 and Karen.

10 Now we're still - I think we're still
11 waiting for Henry Anderson and Richard Espinosa
12 to join the call. Either of those come aboard
13 yet?

14 [No responses]

15 **DR. ZIEMER:** And let me ask Cori or one of
16 the staff, is anyone there, can you independently
17 check their numbers and see if there's any
18 problems?

19 **MR. ELLIOTT:** Dr. Ziemer, this is Larry
20 Elliott. I'll have Nichole call both and see if
21 there's a problem.

22 **DR. ZIEMER:** Okay. While that's underway,
23 we do have a quorum so we can proceed. But we
24 also, as part of our operating procedures, have
25 expressed the intent to try to have all members

1 of the Board present during votes, so we're not
2 at a position where we're voting on anything at
3 the moment. I would like to - but we will later
4 in the call.

5 I would like to review for everyone the
6 purpose of this meeting. This meeting is
7 intended to allow discussion and a vote on some
8 draft comments that a working group developed
9 during our January meeting in Washington. These
10 are specific comments relating to the proposed
11 rulemaking of NIOSH as set forth in 42 CFR 81.

12 The comments - that is, the proposed
13 recommendations that we will be voting on - we
14 will read those in full so that the members of
15 the public will also have the text of those
16 available, and an opportunity to hear and ask any
17 questions that they may wish to have. But that's
18 the main focus of this meeting, is simply for the
19 committee to vote, to discuss and vote on the
20 committee's recommendations.

21 I think somebody just came aboard.

22 **DR. ANDERSON:** Yes, Henry Anderson.

23 **DR. ZIEMER:** Okay, very good. Henry, this
24 is Ziemer speaking. We just had taken the roll
25 call. We learned you were missing. Welcome

1 aboard.

2 And someone else just joined us?

3 **MS. HOMER:** I believe so.

4 **MR. KATZ:** Sorry, yes. This is Ted Katz.

5 **MS. HOMER:** Oh, hi, Ted.

6 **DR. ZIEMER:** Okay, Ted Katz has joined.

7 **MR. ELLIOTT:** And Nichole - Larry Elliott
8 here - Nichole says that Rich Espinosa is now
9 trying to get on.

10 **DR. ZIEMER:** Okay.

11 **MR. ELLIOTT:** And while he's trying to get
12 on, Dr. Ziemer, I would mention for everyone on
13 the call, and the public included, that the draft
14 letter and recommendations are located on our web
15 site if they choose to use that as a venue to
16 read through as they are read into the record
17 during the call.

18 **DR. ZIEMER:** Okay.

19 **MR. ELLIOTT:** The web site is
20 www.cdc.gov/niosh/ocas, and go to the Board
21 aspect page of that web site.

22 I think somebody joined us while I was
23 speaking.

24 **MR. ESPINOSA:** I just did. This is Richard
25 Espinosa.

1 **DR. ZIEMER:** Okay, Rich, thanks. Rich and
2 Henry, we took the roll call. All members of the
3 Board are present. We have a number of - and
4 there are several of the NIOSH staff members as
5 well.

6 Someone else just joined?

7 **MR. MILLER:** Yeah, Richard Miller here.

8 **DR. ZIEMER:** Richard Miller, thank you.
9 Richard, we've asked everyone to indicate who
10 they're representing, Rich, and if you would do
11 that officially for the record.

12 **MR. MILLER:** Sure. Government
13 Accountability Project.

14 **DR. ZIEMER:** Thank you.

15 So for the benefit of Rich and Henry, Henry
16 Anderson and Rich Espinosa, who just joined us, I
17 just reviewed for those present that the purpose
18 of this call was to discuss and vote on the
19 proposed recommendations of the Board relating to
20 42 CFR 81.

21 Now I think it would be appropriate at this
22 time, it was just mentioned that the draft that
23 we'll be looking at is also on the web site if
24 members of the public wish to pull that up, and
25 the web site address was just given.

1 We are going to read into the record this
2 document, and let me first tell you that there's
3 two parts, really three parts to the document.
4 The first is a letter which comes over my
5 signature to Secretary Thompson, and this letter
6 describes the initial meeting of the Board and
7 the items discussed. It includes the general
8 what we were calling the recommendations dealing
9 with the composition of the committee.

10 Then there is an attachment which contains
11 specific recommendations on 42 CFR 81 - that is
12 the specific comments, of which there are three.
13 And then as a matter of information we were
14 including as attachment two for the Secretary the
15 agenda from the January meeting, which requires
16 no action. It's just a piece of information.

17 So with that as background, I'm going to ask
18 Mr. Elliott if he would read the draft letter and
19 then the attachment one. I assume that no one
20 wishes us to read attachment two, which is simply
21 the agenda of the last meeting.

22 **MR. ELLIOTT:** This is Larry Elliott. I will
23 read the letter and the attachment one.

24 Dear Secretary Thompson:

25 The Advisory Board on Radiation and Worker

1 Health held its first meeting on January 22 and
2 23, 2002, in Washington, D.C. All of the
3 currently appointed members were present as well
4 as the designated Federal Official who serves as
5 the Executive Secretary. The sessions were open
6 to the public in accordance with FACA
7 requirements and were attended by a variety of
8 individuals representing themselves or interest
9 groups. A copy of the meeting Agenda is enclosed
10 for your information.

11 In preparation for the meeting, the Board
12 members individually reviewed proposed NIOSH
13 rulemaking for 42 CFR 81 (Guidelines for
14 Determining the Probability of Causation Under
15 the Energy Employees Occupational Illness
16 Compensation Program Act of 2000) and 42 CFR 82
17 (Methods for Radiation Dose Reconstruction Under
18 the Energy Employees Occupational Illness
19 Compensation Program Act of 2000). The members
20 also reviewed written comments by subject matter
21 experts and by members of the public for these
22 two rules. At the Board sessions, formal
23 presentations were made by NIOSH staff members on
24 these and related issues. Also, comments were
25 provided by some members of the public who were

1 in attendance.

2 Under the provisions of the President's
3 Executive Order of December 7, 2000, the Advisory
4 Board has very specific responsibilities on
5 advising the Secretary of Health and Human
6 Services. In accordance with those
7 responsibilities, I am pleased to provide the
8 Advisory Board's recommendations concerning the
9 proposed Guidelines for Determining Probability
10 of Causation as set forth in 42 CFR Part 81.
11 These recommendations are summarized in
12 Attachment 1.

13 In addition to dealing with the specific
14 items mandated by the Executive Order, the
15 Advisory Board wishes to comment on its current
16 composition and makeup. We note that since the
17 Public Law under which the Advisory Board was
18 established provides for up to 20 members, and
19 since the current number of members appointed is
20 10, there may be additional future appointments
21 made to the Board. As a means of providing
22 improved balance among the various sectors
23 represented by the Board membership, the Board
24 suggests that additional representation from the
25 nuclear production workers sector would be a

1 clear advantage and benefit to the Board in
2 carrying out its mandate.

3 Please let me know if additional information
4 or clarification is needed concerning the
5 recommendations contained herein.

6 Sincerely, Paul L. Ziemer, Ph.D., CHP,
7 Chairman.

8 Attachment 1: Recommendations and Comments
9 from the Advisory Board on Radiation and Worker
10 Health.

11 The following comprise recommendations and
12 comments from the Board in the context of
13 responses to the three major questions found in
14 Section I of the Preamble to the proposed rule,
15 42 CFR Part 81:

16 1. The Board agrees that the NIOSH
17 guidelines and procedures for probability of
18 causation determinations have been developed
19 using the best and most current scientific
20 information relating radiation exposures to
21 cancer risks. The use of current recommendations
22 from independent expert bodies lends strength to
23 the approach proposed by NIOSH. The NIOSH
24 approach also implements the spirit of concern
25 for nuclear workers that was inherent in the

1 legislation underlying this compensation program.
2 In this context, the NIOSH guidelines and
3 procedures provide an appropriate application of
4 sound science to the compensation process.

5 2. The Board also agrees that the proposed
6 NIOSH procedures appropriately allow for the
7 incorporation of new scientific information into
8 the compensation procedures as this new
9 information becomes available. However, given
10 the limited time that the Board has had to review
11 the details of the probability of causation
12 procedures and the potential impact of changes in
13 the NIOSH IREP on compensation decisions, the
14 Board recommends that the regulations be amended
15 to formalize the role of the Board in reviewing
16 any substantial changes in these procedures -
17 that is, the NIOSH IREP. This change should
18 include publication of planned changes in the
19 *Federal Register*, an appropriate opportunity for
20 public comment, and then reviewed by this Board
21 before finalization. Although these actions are
22 included in the Preamble Background, Section III,
23 Subsection I, Paragraph 3 of 42 CFR Part 81,
24 making them part of the rule itself would
25 formalize the updating process, significantly

1 strengthening assurance that review of revisions
2 will occur.

3 3. The Board has also noted the differences
4 between the approach being used in this
5 compensation program and that of the Atomic
6 Veterans Act. There are significant differences
7 in the categories of compensation covered by the
8 two acts. In some cases, the Atomic Veterans Act
9 required primarily that the claimants were
10 present in a specific area, had one of the
11 specified cancers, and were therefore
12 compensated. This proposed rule is an effort to
13 address much more complicated situations and to
14 face the reality that simple exposure to
15 radiation does not automatically presume the
16 development of disease. The Board recognizes the
17 excellent efforts of NIOSH staff and their
18 subject matter experts in bringing the best known
19 current science to an appropriate method for
20 translating experience gained in the veterans
21 exposure calculations to this civilian nuclear
22 worker proposal.

23 **DR. ZIEMER:** Thank you very much, Larry.

24 That completes the reading of the main
25 letter and the attachment containing the three

1 recommendations.

2 And I'm going to allow a period of public
3 comment here. Before I do that, I want to note
4 for the record that I have received, and I
5 believe perhaps other members of the committee
6 have received, the fax transmission from the
7 Government Accountability Project. And I will
8 ask that copies of these documents be made part
9 of our official record. I'm not proposing that
10 we read them here, but I want to identify them.

11 The first is a letter directed to me by
12 Richard Miller dated January 29th, 2002, and that
13 letter will become part of the record. And then
14 as attachments to that letter there was a news
15 release dated January 25th, 2002. The news
16 release was from the Department of Veterans
17 Affairs. It's entitled "VA Compensates More
18 Veterans Exposed to Radiation." And that news
19 release then will become part of our record.

20 And then finally, as a another attachment,
21 there was a copy of a statement of Senator Paul
22 Wellstone dated May 15th, 2000. This is a
23 statement from a hearing on "The Compensation
24 Plan for Department of Energy workers," and
25 Senator Wellstone's statements of that date then

1 will also be included.

2 So just for the record, I want to make sure
3 - I want to ask the other members of the Board,
4 did everyone receive copies of that as well, of
5 those documents? Or let me just ask you, is
6 there anyone on the Board that did not?

7 [No responses]

8 **DR. ZIEMER:** Apparently not. Okay.

9 Now let me call for those members of the
10 public who are on the phone at this time, are
11 there any of you who wish to make comments or
12 statements at this time?

13 **MR. BARNES:** This is James Barnes with
14 Rocketdyne.

15 **DR. ZIEMER:** Yes, James.

16 **MR. BARNES:** Would you please repeat that
17 web site address again?

18 **MR. ELLIOTT:** Yes, I will. This is Larry
19 Elliott. I will.

20 It's www.cdc.gov/niosh, and once you're on
21 that page you can go to the left-hand side,
22 you'll see OCAS. In OCAS, then go to the left-
23 hand toolbar and click on the Advisory Board, and
24 you'll see the subject of today's discussion.

25 **MR. BARNES:** Thank you.

1 **DR. ZIEMER:** Thank you.

2 Anyone else?

3 **MR. MILLER:** This is Richard Miller
4 speaking.

5 **DR. ZIEMER:** Yes, Richard.

6 **MR. MILLER:** I just wanted to be clear here
7 that the cover letter which you read a moment
8 ago, I think may have done a good job of, shall
9 we say, finessing the notion of additional
10 representation from the nuclear worker production
11 sector. So I'm heartened, I guess, because I
12 never expected the Board to take action on
13 anything I would say, or others might say,
14 brought up that was sort of off the agenda in the
15 way in which it was at your last meeting. So I
16 wanted to commend you all for taking that up.

17 Secondly, I also just wanted to get one
18 small point of clarification without hopefully
19 starting a firestorm here, and that is there's
20 one sentence in your recommendation which - and I
21 don't have it in front of me - but in sum says
22 that simple exposure to radiation doesn't
23 necessarily lead to disease. It's sort of
24 innocuous enough in and of itself. I just wanted
25 to just get some sense of clarity that the

1 intention of the Board wasn't to weigh into the
2 whole question of the linear no-threshold debate
3 with that particular observation. Is that
4 correct?

5 **DR. ZIEMER:** I don't think we were - this is
6 Ziemer. Let me just reply, Richard, to your
7 question, and then others on the Board who were
8 involved in the drafting can also comment.

9 We certainly did not have discussions on the
10 linear no-threshold issue, because in part that
11 is already, if I can put it this way, becomes a
12 non-issue the way that the regulation was
13 written. And also, it was not part of our
14 comment on the veterans - I don't think anyone
15 was trying to evaluate any merits of how the
16 veterans thing was written. We're simply
17 pointing out that the issue that we're dealing
18 with now, which includes the dose reconstruction
19 probability of causation, is a step that is more
20 complex. It simply does not assume compensation
21 based on the fact that a person was at a
22 location. There has to be a dose reconstruction.
23 That was, I think, was the point being made, in
24 that sense was different.

25 Let me ask if other members of the Board

1 wish to comment, any of the drafters of that
2 statement.

3 **DR. ANDRADE:** This is Tony Andrade from Los
4 Alamos.

5 I'd also like to add that the methodologies
6 that have been adopted by NIOSH include ICRP 60
7 through 67, okay. Now those documents include
8 several discussions about where basic data
9 involving risk come from, okay. And in those
10 documents there is inherent, or there has already
11 been, an analysis done on where the linear no-
12 threshold theory is indeed used for conservatism.

13
14 So I don't think it was, number one,
15 mandated that this body debate the LNT theory.
16 That's, again, number one. We would get nowhere.
17 But number two, the conservatism of LNT is used
18 in determining some of the risks associated
19 especially with solid tumors. And so inherent in
20 the methods used by NIOSH, you already have that
21 conservatism.

22 Maybe Genevieve can weigh in here.

23 **DR. ROESSLER:** I guess the only comment, I
24 agree with Tony on that. And Paul, in particular
25 I don't think that we're referring at all to the

1 linear no-threshold model. I don't think that's
2 pertinent for us to discuss because that's a part
3 of the assumption.

4 **MR. MILLER:** Right. I think Genevieve --

5 **DR. ZIEMER:** Does that answer the question
6 that you had asked?

7 **MR. MILLER:** I think it does.

8 **DR. ZIEMER:** I think it was a matter of
9 clarification.

10 **MR. MILLER:** Yeah, I just didn't understand
11 why the sentence was in there, because I wasn't
12 around for your second day of deliberations. And
13 I apologize, but it was unclear what value added
14 that sentence made if it wasn't opening that
15 discussion. What is the purpose of that
16 sentence, I guess that's all I was inquiring
17 about. I didn't quite understand what it - it
18 didn't seem to quite fit in with the flow of
19 everything else that was going on in that
20 recommendation.

21 **DR. ANDRADE:** This is Tony Andrade. And I
22 think I would underscore what Paul answered in
23 the beginning, and that is that simply means
24 exposed to radiation, like we all are as we sit
25 here and talk, does not necessarily - it's just

1 recognizing the fact that that does not
2 necessarily cause disease. In fact, what we're
3 doing is we're taking, we starting at a point in
4 which a disease has been recognized and trying to
5 find causation that could very well have been
6 from radiation, and as a matter of fact giving
7 the greatest benefit of the doubt to that
8 particular probability. So I think it's
9 necessary for that phrase to be there.

10 **DR. ZIEMER:** I suspect maybe part of
11 Richard's question is that perhaps you have
12 extended the previous thought and interpret that
13 as a comment on the veterans' model, and it's not
14 necessarily that at all. It's just - it's
15 another statement.

16 **UNIDENTIFIED:** Exactly.

17 **DR. ZIEMER:** So it's not an assessment of
18 the veterans' model.

19 **UNIDENTIFIED:** No.

20 **DR. MELIUS:** This is Jim Melius. I had a
21 hand in writing some of this.

22 **DR. ZIEMER:** Yes, Jim.

23 **DR. MELIUS:** I concur with, and I think
24 again we're commenting on this legislation and
25 the application to the regulations that NIOSH has

1 developed. And secondly, really recognize that
2 this deals with a much more complicated
3 situation. So I think the wording on that is
4 relatively clear in terms of what we're talking
5 about, and it's couched in a way that we're not
6 getting into this other scientific soundness
7 issue.

8 **DR. ZIEMER:** Are there other comments from
9 members of the general public?

10 [No responses]

11 **DR. ZIEMER:** Jerry, Mark, Jeff, Ken, Karen,
12 Ted? Any of you have other comments?

13 **MR. CRASE:** Paul, this is Ken Crase.

14 **DR. ZIEMER:** Ken? Speak up please, Ken.

15 **MR. CRASE:** Ken Crase, Savannah River Site.

16 **DR. ZIEMER:** Yes, Ken.

17 **MR. CRASE:** Has the Board dealt with the
18 issue of the probability of causation tables and
19 the scientific merit associated with using
20 (inaudible) data to (inaudible)?

21 **DR. ZIEMER:** Ken, let me answer that in
22 part.

23 If you look at the public law itself and the
24 mandate of the Board, what you find basically is
25 that there is a legal requirement that that be

1 the approach used. And so the Board's - the main
2 question for the Board comes down to are we using
3 the best and latest methods for that approach.
4 The law itself, in a sense, requires that that's
5 the approach that we use.

6 **MR. CRASE:** So your answer, I think, Paul,
7 is that it's outside the scope of the -

8 **DR. ZIEMER:** Yes, that's correct.

9 Anyone else on the Board want to comment on
10 that issue?

11 [No responses]

12 **DR. ZIEMER:** Okay. Again, let me ask if
13 there are any further public comments?

14 [No responses]

15 **DR. ZIEMER:** If not, I would like to ask -
16 to formalize this, ask one of the Board members,
17 would be in order to move the adoption of the
18 letter and the attachment.

19 **DR. ANDERSON:** Paul, this is Andy. I have
20 just one issue to raise, if I may.

21 **DR. ZIEMER:** This is who?

22 **DR. ANDERSON:** Dr. Anderson.

23 **DR. ZIEMER:** Oh, yeah, Andy. Is this before
24 we have the motion on the table?

25 **DR. ANDERSON:** Before, I have a suggested

1 minor change.

2 **DR. ZIEMER:** Yeah. Well, let's get the
3 document on the table, and then we'll make
4 changes.

5 **DR. ANDERSON:** Okay.

6 **DR. ZIEMER:** Is that agreeable?

7 **DR. ANDERSON:** Sure.

8 **DR. ZIEMER:** Yeah. So would someone wish to
9 move the adoption of the letter and the
10 attachment?

11 **DR. DeHART:** This is Roy DeHart. I move
12 their adoption.

13 **DR. ZIEMER:** Is there a second?

14 **MS. MUNN:** Second, Wanda Munn.

15 **DR. ZIEMER:** Thank you, Wanda.

16 Now we'll ask for any modifications or
17 changes. Let's take the letter itself first.

18 **MR. ESPINOSA:** This is Richard Espinosa.

19 **DR. ZIEMER:** Yes, Richard.

20 **MR. ESPINOSA:** On our letter, the law
21 requires equal representation. I would like to
22 see an amendment made to put not just a second
23 from the production workers, but to add another
24 one as well.

25 **DR. ZIEMER:** Okay, before I recognize that

1 as a formal motion, let me make a preliminary
2 comment, and then I'll entertain that as a
3 motion.

4 When we met in Washington, there was
5 basically a formal recommendation that we do what
6 we said here in this letter. In the meantime, I
7 have reviewed the Executive Memorandum and the
8 mandate to the Board, and it would be pretty easy
9 to say that the Board even commenting on its own
10 makeup is outside its own scope. And perhaps,
11 Richard Miller, may be why you were a little
12 surprised.

13 But we did determine at the meeting that it
14 would be useful to at least raise the issue. And
15 so I took what the Board had recommended at the
16 meeting, which was that there be an additional
17 member added, and couch that in terms of a
18 suggestion since, if you look at the Executive
19 Memorandum, we have no authority to make
20 recommendations outside the scope of the three
21 items in the Executive Memorandum. But I thought
22 it was appropriate, and that's why it's in the
23 letter.

24 And that's why we're using the language in
25 addition to dealing with those specific items we

1 wish to comment, and then as a means of - see how
2 the wording is there, let me get this latest
3 version - but it's a suggested addition to
4 improve the balance. Now whether that's one or
5 two or more may not so much be the issue, but I
6 certainly will entertain if you want to make a
7 formal motion to amend, that's quite in order.

8 So at this point is this being made as a
9 specific motion, then?

10 **MR. ESPINOSA:** Yes, I would like to make it
11 as a specific motion.

12 **DR. ZIEMER:** Okay. Then would you repeat
13 the words on that, then, Rich?

14 **MR. ESPINOSA:** Well, I would like to amend
15 the motion to add - amend the letter, I guess, to
16 add two more workers to the Board.

17 **MR. ELLIOTT:** This is Larry Elliott, if I
18 might comment.

19 **DR. ZIEMER:** Let's get a second first, and
20 then we can debate it.

21 Does anyone wish to second that?

22 **DR. MELIUS:** I'll second, and I think I'd
23 like to offer what would be called a friendly
24 amendment.

25 **DR. ZIEMER:** Okay, but - okay, let's take

1 Richard's comment. Who seconded?

2 **DR. MELIUS:** Jim Melius; I'm sorry.

3 **DR. ZIEMER:** Thank you, Jim. And let's get
4 Larry Elliott's comment, and then Jim.

5 **MR. ELLIOTT:** Larry Elliott here. The
6 substance of your comment, the Board's
7 discussion, has been communicated to the
8 Department, and as you are aware the White House
9 has received correspondence on this as well. So
10 just for your consideration I'd offer that.

11 **DR. ZIEMER:** So there is a sensitivity
12 already to it.

13 **UNIDENTIFIED:** All right.

14 **DR. ZIEMER:** Thank you.

15 And Jim, you had a friendly amendment?

16 **DR. MELIUS:** I think it would be a friendly
17 amendment, and it may deal with the nature of
18 this suggestion.

19 Other than specifying a particular number,
20 whether it be two, three, four or whatever, or
21 one, that we simply add a - leave it as it is
22 currently written, but at the end of
23 "representative" add a parentheses S, so it would
24 leave it open in terms of how - what number would
25 be involved (inaudible) making a general

1 recommendation that that might be (inaudible) of
2 the appointing authority here would then
3 essentially be given some leeway in terms of
4 numbers or choices of how they want to continue
5 to add people to the Board.

6 **MR. ESPINOSA:** That's a good point. This is
7 Richard Espinosa again.

8 Due to Jim Melius' comments I'd like to
9 withdraw my motion and concur with Jim.

10 **DR. ZIEMER:** How would you be wording that?
11 I don't know, Jim, if you're making that as a
12 motion or almost a friendly amendment to what we
13 have already on the table.

14 **DR. MELIUS:** Either way, I didn't
15 (inaudible). But it would be that the Board
16 recommends that a representative, and then after
17 "representative" parentheses S, meaning it could
18 be more than one.

19 **DR. ROESSLER:** This is Gen. Can I comment,
20 Paul?

21 **DR. ZIEMER:** Um-hum (affirmative).

22 **DR. ROESSLER:** In reading as they're talking
23 here, I have to admit that my perception when I
24 read that was that we were recommending one. But
25 as I re-read that paragraph I think it's

1 completely open. We talk about there may be
2 additional future appointments; that's plural.
3 And then in the next sentence it says the Board
4 suggests that additional representation, and that
5 is - to me that reads -

6 **DR. ZIEMER:** That's open-ended.

7 **DR. ROESSLER:** Open-ended.

8 **DR. ZIEMER:** And actually - I'll mention
9 this for everyone's benefit - actually I had
10 massaged the original words of the original draft
11 that the Board had a little bit to make that a
12 little more open-ended. So we're not saying one.

13 **DR. MELIUS:** Yeah. And actually before it
14 came up, before Richard made the proposed
15 amendment, I was thinking of it as just sort of
16 an additional grammatical clarification based on
17 the way that paragraph was written.

18 **DR. ZIEMER:** Yeah. The latest draft says
19 additional representation from nuclear production
20 workers sector. Is that sufficiently open-ended
21 to meet the intent of - well, let me ask Richard
22 Espinosa first.

23 Does that meet the intent that you had?

24 **MR. ESPINOSA:** Let's see, I'm trying to find
25 it in my paperwork.

1 **DR. ZIEMER:** Because there have been a
2 couple of versions. The draft has - there's been
3 a few iterations, and some updating on that
4 wording.

5 Is that, the draft that you read to us,
6 Larry, what does the sentence say? I think it's
7 like the last sentence in that paragraph.

8 **MR. ELLIOTT:** It reads - this is Larry
9 Elliott - it reads:

10 As a means of providing improved balance
11 among the various sectors represented by the
12 Board membership, the Board suggests that
13 additional representation from the nuclear
14 production workers sector would be a clear
15 advantage and benefit to the Board in carrying
16 out its mandate.

17 **DR. MELIUS:** This is Jim Melius. I
18 (inaudible), but that latest round, that latest
19 draft literally just appeared on my e-mail during
20 this meeting.

21 **DR. ZIEMER:** Okay. I think that meets the
22 intent of what you were suggesting, Jim, does it
23 not?

24 **DR. MELIUS:** I agree with that.

25 **DR. ZIEMER:** Okay.

1 **DR. MELIUS:** And I think it actually
2 addresses some of Richard's comments earlier,
3 too.

4 **MR. ESPINOSA:** Yeah, actually it does.

5 **DR. ZIEMER:** Okay. Okay.

6 Are there any other comments on the letter
7 itself?

8 **MS. MUNN:** This is Wanda.

9 **DR. ZIEMER:** Wanda, please.

10 **MS. MUNN:** I have a comment on that same
11 sentence, and I had not seen this most recent
12 wording of that particular paragraph.

13 **MS. NEWSOM:** Wanda, can you speak up,
14 please?

15 **MS. MUNN:** Yes, I certainly can. Maybe I
16 can get my mike a little closer to my mouth. Is
17 this better?

18 **DR. ZIEMER:** Good.

19 **MS. MUNN:** I guess, as you all know, from
20 the outset I considered this a very sensitive
21 issue and one that bordered on what our charter
22 recommendation is. And further, I have real
23 concern with the intent, but you all know that
24 already.

25 I had intended to propose that we reword

1 that sentence slightly to convey what I thought
2 was the intent when it was passed, so that it
3 would read - the first part of it would read as a
4 means of diminishing any perceived imbalance
5 amongst the various sectors represented by the
6 Board membership, et cetera. I am not convinced
7 that there is an imbalance because I don't know
8 the Presidential intent in having chosen this
9 group. I know what the law says, and I know you
10 can only be so balanced with so many groups and
11 geographies. The geography is almost impossible.

12 It seems to me that if there is an imbalance
13 - and I feel, my personal opinion is that it's
14 not - but if there is perceived imbalance and
15 that's the desire of the Board to point that out,
16 then in my view that's what we should say, rather
17 than saying that it's not balanced.

18 **DR. ZIEMER:** Are you then proposing an
19 amended version, or would you like to propose an
20 amended sentence?

21 **MS. MUNN:** I would propose an amended
22 sentence which reads - and you will have to help
23 me with (inaudible), because I don't have the
24 newest version.

25 **DR. ZIEMER:** Okay.

1 **MS. MUNN:** But only the first part of that
2 would be my recommendation, and I would move that
3 we would restructure the sentence to read as a
4 means of diminishing any perceived imbalance
5 amongst the various sectors represented by the
6 Board membership, the Board recommends that
7 additional representation, and then whatever your
8 latest version says.

9 **DR. ZIEMER:** Okay, you've heard the motion.
10 Is there a second?

11 **MR. PRESLEY:** I'll second it. This is Bob
12 Presley.

13 **DR. ZIEMER:** Bob has seconded.

14 Now we'll have discussion on the proposed
15 amendment to that sentence. The proposed
16 amendment, as I understand it, would read as a
17 means of diminishing any perceived imbalance
18 amongst the various sectors, and then the rest of
19 the sentence would read the same.

20 Is there discussion, pro or con?

21 **DR. ROESSLER:** This is Gen. I like our
22 letter because - I like your letter because
23 you're very objective sounding. And I guess in
24 this particular case I'd prefer the wording that
25 we already have. This adds a little tone of

1 being not - maybe it would come across as not as
2 objective. It's just my perception.

3 **DR. ZIEMER:** Okay. So you speak against the
4 amendment.

5 **DR. ROESSLER:** I speak for keeping the
6 letter as is.

7 **DR. ZIEMER:** Others, pro or con?

8 **MR. ESPINOSA:** This is Richard Espinosa.

9 **DR. ZIEMER:** Richard, yes.

10 **MR. ESPINOSA:** I agree with Gen.

11 **DR. ZIEMER:** Okay. So you speak against the
12 amendment.

13 Others, pro, con?

14 **DR. MELIUS:** This is Jim Melius. I was sort
15 of struggling trying to find some other wording,
16 and this is just sort of wordsmithing. And I
17 understand the wording that's been offered, but I
18 really think it - I really just don't think it
19 fits in with the way the letter's been written so
20 far. I'm also struggling to come up with any
21 other way of rewording it to capture that other
22 thought that Wanda -

23 **MS. MUNN:** This is Wanda again. I guess in
24 response to a couple of the comments that have
25 been made, it seems to me that saying "provided

1 improved balance" is no more objective than
2 saying "diminishing any perceived imbalance." If
3 we leave the wording as it is in the original
4 letter, then we are essentially saying that we do
5 not believe that the Board is balanced. And if
6 that's the intent, then of course that wording
7 should stand.

8 **DR. ZIEMER:** This is Ziemer again.

9 One way in which it might be possible to
10 cover both concepts by saying - and I'm not
11 proposing this, but it's food for thought here
12 for the moment - as a means of diminishing any
13 perceived or actual imbalance, which implies we
14 don't necessarily know if there is one or the
15 other or both.

16 **MS. MUNN:** This is Wanda. I would certainly
17 accept that as a compromise.

18 **MR. PRESLEY:** This is Bob. I have no
19 problem with that.

20 **DR. ROESSLER:** This is Gen. Now that Wanda
21 mentions it, I think she's right. The comment
22 that we have, as a means of providing improved
23 balance, does imply that we think there is
24 imbalance. So maybe something more objective,
25 yes, would be better.

1 **MS. GADOLA:** This is Sally. I agree with
2 what you've just added. I think that it's also
3 impossible to say exactly how everyone feels and
4 to really understand everyone's entire
5 background. So the wording that you just
6 proposed really covers the whole picture.

7 **DR. ZIEMER:** Wanda, if you would want to
8 consider that as a friendly amendment, the Chair
9 doesn't usually make amendments, but you might
10 want to modify your wording if your seconder
11 would accept it.

12 **MS. MUNN:** I would certainly propose that
13 that wording be accepted and incorporated into my
14 amendment.

15 **MR. PRESLEY:** This is Bob Presley. I'll
16 agree.

17 **DR. ZIEMER:** Okay. The seconder has
18 accepted. So the proposed amendment now would be
19 as a means of diminishing any perceived or actual
20 imbalance amongst the various sectors, and so on,
21 and the rest of the sentence would be the same.

22 Is that correct?

23 **MR. ESPINOSA:** Yeah, this is Richard
24 Espinosa. Can you add that - let me see. Can
25 you read that inside of that paragraph so I can

1 hear it completely?

2 **DR. ZIEMER:** I will read - this is Ziemer
3 again - as I have it here, and then we may have
4 to double check with our court reporter:

5 As a means of diminishing any perceived or
6 actual imbalance amongst the various sectors
7 represented by the Board membership, the Board
8 suggests that additional representation from the
9 nuclear production workers sector would be a
10 clear advantage and benefit to the Board in
11 carrying out its mandate.

12 **MR. ESPINOSA:** Okay.

13 **DR. ZIEMER:** Wanda, would that now be your
14 motion?

15 **MS. MUNN:** That would be my motion. Thank
16 you.

17 **DR. ZIEMER:** Let me ask the Board if you're
18 ready to vote on the amendment.

19 **DR. ANDERSON:** Can you read it again?

20 **DR. ZIEMER:** As a means of diminishing any
21 perceived or real - did I say real or actual?

22 **UNIDENTIFIED:** You said real originally.

23 **DR. ZIEMER:** - any perceived or real
24 imbalance amongst the various sectors represented
25 by the Board membership, the Board suggests that

1 additional representation from the nuclear
2 production workers sector would be a clear
3 advantage and benefit to the Board in carrying
4 out its mandate.

5 **DR. ANDERSON:** Thank you.

6 **DR. ZIEMER:** Okay. We will then vote on
7 this amended sentence. Are you ready to vote?

8 [No responses]

9 **DR. ZIEMER:** Okay. All in favor of the
10 proposed amended sentence will say aye.

11 [Ayes respond]

12 **DR. ZIEMER:** All opposed will say no.

13 [No responses]

14 **DR. ZIEMER:** Any abstention?

15 [No responses]

16 **DR. ZIEMER:** The ayes have it.

17 Now we're back to the main motion, which is
18 the letter as amended.

19 **DR. ANDRADE:** I'd like to propose that we
20 adopt the letter - this is Tony Andrade - as
21 amended.

22 **DR. ANDERSON:** I'll second that.

23 **DR. ZIEMER:** Well, that's already - that
24 motion's already before us, is it not?

25 **UNIDENTIFIED:** It is.

1 **DR. ZIEMER:** Yeah.

2 **DR. ANDERSON:** I call the question.

3 **DR. ZIEMER:** Okay. The question's been
4 called for.

5 And incidentally, just as a matter of
6 information or point of information, tell you
7 that although your document has a heading at the
8 top that says Advisory Board on Radiation and
9 Worker Health, there has actually been a
10 letterhead developed by Cori which is the
11 Advisory Board letterhead. So that letterhead
12 will say Advisory Board on Radiation and Worker
13 Health across the top. It will have a Health and
14 Human Services logo, I believe, and will list all
15 the Board members.

16 So with that, let me call for the vote on
17 the letter.

18 All who approve say aye.

19 [Ayes respond]

20 **DR. ZIEMER:** All who oppose, no.

21 [No responses]

22 **DR. ZIEMER:** Any abstentions?

23 [No responses]

24 **DR. ZIEMER:** The letter is adopted.

25 Now let's see, let me ask the court

1 reporter, was the original motion to adopt the
2 letter plus the amendment?

3 **UNIDENTIFIED:** It was.

4 **DR. ZIEMER:** Okay. Well, the Chair has
5 inadvertently split the motion, and a Chair's
6 prerogative is to do that. I will not tell the
7 group I have split the original motion into two
8 parts, part one being the letter, part two being
9 the attachment. So I'm going to have interpreted
10 the original motion as being a two-part motion,
11 and we have voted on the first part, which is the
12 approval of the letter.

13 **DR. DeHART:** Paul, this is Roy.

14 **DR. ZIEMER:** Yeah.

15 **DR. DeHART:** Just for a point of order, when
16 there is a call for the question, that is to stop
17 debate and be voted on itself.

18 **DR. ZIEMER:** That is if there's a formal
19 call to stop debate. If the Chair recognizes
20 that as a motion to stop debate, then it requires
21 a second and an immediate two-thirds vote to stop
22 debate. I took that as an informal call that
23 everyone was ready to vote. I did not recognize
24 that as a motion to stop debate.

25 **DR. DeHART:** Thank you.

1 **DR. ANDERSON:** That's right.

2 **DR. ZIEMER:** Okay. No, I recognize that a
3 call for the question if taken as a formal motion
4 has to be voted on in itself.

5 Now we come to attachment one, and this is
6 on the floor as part of the original motion which
7 the Chair has split into two. And the correct
8 version of this - I think an earlier version that
9 we sent out inadvertently had the title Worker
10 Safety; it should say Worker Health,
11 recommendations and comments from the Advisory
12 Board on Radiation and Worker Health.

13 And let's now ask for any comments. And
14 incidently, if necessary we can subsplit this
15 into three parts, but if we can agree to try to
16 take it as a whole we will.

17 **DR. ANDERSON:** This is Andy. I have just
18 one small comment.

19 **DR. ZIEMER:** Yes, Andy.

20 **DR. ANDERSON:** In number one, on the last
21 line it says application of sound science. I
22 have always had a bugaboo about sound science.

23 **DR. ZIEMER:** As opposed to unsound science.

24 **DR. ANDERSON:** Right. And so I would
25 suggest taking out "sound" and saying application

1 of the existing science. Not to make a value
2 judgment, but it is - we're saying it's an
3 appropriate application of existing science in
4 the compensation process.

5 **DR. ZIEMER:** Yes. Let me just interpret
6 that as a motion to amend.

7 Is there a second?

8 **UNIDENTIFIED:** Second.

9 **DR. ZIEMER:** Any discussion?

10 [No responses]

11 **DR. ZIEMER:** We can do this one, I think,
12 pretty quickly.

13 Then all in favor of that amendment say aye.

14 [Ayes respond]

15 **DR. ZIEMER:** Any opposed?

16 [No responses]

17 **DR. ZIEMER:** No. Any abstentions?

18 [No responses]

19 **DR. ZIEMER:** Okay. The document now says
20 application of the existing science. Thank you.

21 **DR. DeHART:** This is Roy with a suggestion.
22 Instead of having the order one, two, three as we
23 currently have it, which is different from the
24 order of the comment page in the *Federal Registry*
25 (sic), I would suggest that two and three be

1 reversed.

2 **DR. ZIEMER:** Thank you. I think that can -
3 that doesn't even require action. That's just a
4 format thing. These numbers should correspond -
5 in fact, the implication is that they correspond
6 to the three major questions. And I think they -
7 the order got out of order because there was some
8 uncertainty as to question two before, as you
9 recall.

10 Without objection, we'll change the order.

11 [No responses]

12 **DR. ZIEMER:** Number two becomes number
13 three, number three becomes number two, I
14 believe. Is that correct?

15 **DR. DeHART:** Yes, yes.

16 **DR. ZIEMER:** Without objection we'll do
17 that. Thank you.

18 Other comments or recommendation or
19 modifications?

20 **MS. MUNN:** Just a couple questions. This is
21 Wanda.

22 **DR. ZIEMER:** Yes.

23 **MS. MUNN:** When the attachment was being
24 read - again, I'm working from the older version;
25 I don't have the latest one that's just come out.

1 But I thought I heard in what is numbered two,
2 the fifth line from the bottom, I thought I heard
3 "review" in that line being read as "reviewed,"
4 and if so I think we've used it probably
5 incorrectly. I think "review," grammatically
6 speaking, is the correct word. It's two lines up
7 from the (inaudible).

8 **DR. ZIEMER:** This is the old number two or
9 the new number two?

10 **MS. MUNN:** The old number two.

11 **DR. ZIEMER:** Old number two.

12 **MR. ELLIOTT:** Would you like me to read that
13 again as it's currently presented?

14 This is Larry Elliott, Dr. Ziemer.

15 **MS. MUNN:** Well - hi, Larry. I'll read you
16 the sentence.

17 This change should include publication of
18 the planned changes in the *Federal Register*, an
19 appropriate opportunity for public comment, and
20 then review - and I thought I heard you say
21 reviewed - by this Board before finalization.

22 **MR. ELLIOTT:** It does read "review," and
23 perhaps I did misspeak.

24 **DR. ZIEMER:** Yes, review is the correct
25 word, I think, right.

1 **MS. MUNN:** Very good. And the only other
2 thing I wanted to make sure that I heard in the
3 very last line of that same section, assurance
4 that revision - that review of revisions will
5 occur.

6 **DR. ZIEMER:** The words "review of" were
7 added to the original draft, because what we're
8 interested in is that the proposed revisions be
9 reviewed.

10 **MS. MUNN:** I understand. I just wanted to
11 make sure I heard correctly.

12 **DR. ZIEMER:** So I think from the earlier
13 version the words "review of" was added. And let
14 me suggest, and I might do this if everyone
15 agrees, I think that same line, review of
16 revisions, the real intent is not that there
17 simply be review of the revisions, but review of
18 the revisions by the Board.

19 **MS. MUNN:** Yes.

20 **DR. ZIEMER:** And I would suggest that we add
21 the phrase "by the Board" as a further
22 clarification of that.

23 Would there be any objection to that?

24 [No responses]

25 **DR. ZIEMER:** Can we take it by consent that

1 without objection the sentence would now read
2 review of revisions by the Board will occur?

3 [No responses]

4 **DR. ZIEMER:** Okay, that's under old item
5 two, which is now item three.

6 Okay. Further comment, changes, additions?

7 [No responses]

8 **DR. ZIEMER:** I'm hearing none. Does that
9 mean that we're ready to vote on the attachment?

10 [No responses]

11 **DR. ZIEMER:** It appears that we are ready to
12 vote on the attachment. With those two rather
13 minor changes, the change in order, two.

14 Okay, all who support these recommendations
15 say aye.

16 [Ayes respond]

17 **DR. ZIEMER:** Any opposed, say no.

18 [No responses]

19 **DR. ZIEMER:** Any abstentions?

20 [No responses]

21 **DR. ZIEMER:** It appears we have consensus.
22 Thank you.

23 Then these will be prepared on our new
24 letterhead and sent forward together with the
25 second attachment, which is simply the copy of

1 the agenda for informational purposes.

2 A reminder that we have the meeting coming
3 up. Let me ask Cori or Larry, do you have any
4 specific information that you want to relate
5 today on the upcoming meeting, which is just a
6 week off?

7 **MR. ELLIOTT:** Larry Elliott here. The
8 meeting next - it will be Wednesday and Thursday
9 next week -

10 **DR. ZIEMER:** Wednesday and Thursday, 13th and
11 14th.

12 **MR. ELLIOTT:** - 13th and the 14th in
13 Washington, D.C., again at the -

14 **MS. HOMER:** Washington Court.

15 **MR. ELLIOTT:** Washington Court. We -

16 **DR. ZIEMER:** Which, folks, incidentally is
17 virtually next door to the hotel we were in last
18 time.

19 **MS. HOMER:** Right down the block.

20 **MR. ELLIOTT:** Right. Later this week you
21 can all expect to receive your travel from
22 Nichole. And in that Fed Ex package will also be
23 two technical implementation guidelines for your
24 reading in advance of the meeting, one on
25 external dose reconstruction and the other on

1 internal dose reconstruction. And those will fit
2 into the agenda items as you'll see them on the
3 agenda.

4 The second Fed Ex shipment that you will
5 receive this week will come from Cori, and it
6 will contain your briefing booklets for that
7 meeting. We're going to have a busy meeting.
8 This is to take up dose reconstruction rule, 42
9 CFR 82, and particularly we'll spend time on the
10 implementation guidelines for the internal and
11 external dose.

12 Are there any questions about this upcoming
13 meeting?

14 **DR. MELIUS:** Yes, this is Jim Melius. If I
15 recall correctly, I thought this next meeting was
16 going to be on the special exposure cohort issue.

17 **MR. ELLIOTT:** No. That will be at a later
18 meeting. We're not prepared at this time to
19 really -

20 **DR. MELIUS:** How much later, Larry?

21 **MR. ELLIOTT:** Well, we set the tentative
22 meeting in March, the 25th and the 26th, and we
23 hope that the SEC guidelines will be available
24 for the Board's review at that time, after
25 they've gone through review in the Department.

1 **DR. MELIUS:** Are they going to be presented
2 to us as regulations that have been published in
3 the *Federal Register*, or what's the nature of our
4 review?

5 **MR. ELLIOTT:** Right now you will be
6 reviewing what looks like policy guidelines.

7 **DR. MELIUS:** Thank you.

8 **DR. ZIEMER:** Okay. Any other questions?

9 [No responses]

10 **DR. ZIEMER:** If not, let me thank everyone
11 for their participation. Members of the public
12 who joined us today, thank you for your input.

13 I'll entertain a motion for adjournment.

14 **MR. PRESLEY:** So moved. This is Bob
15 Presley.

16 **DR. ZIEMER:** Okay. Seconded?

17 **DR. DeHART:** Second, Roy DeHart.

18 **DR. ZIEMER:** I guess all in favor will just
19 probably hang up.

20 **UNIDENTIFIED:** See you next week.

21 **DR. ZIEMER:** Thank you very much.

22 [Whereupon, the meeting was adjourned at
23 approximately 2:02 p.m.]
24

C E R T I F I C A T E

STATE OF GEORGIA)
)
COUNTY OF DEKALB)

I, KIM S. NEWSOM, being a Certified Court Reporter in and for the State of Georgia, do hereby certify that the foregoing transcript, consisting of 52 pages, was reduced to typewriting by me personally or under my direct supervision, and is a true, complete, and correct transcript of the aforesaid proceedings reported by me.

I further certify that I am not related to, employed by, counsel to, or attorney for any parties, attorneys, or counsel involved herein; nor am I financially interested in this matter.

This transcript is not deemed to be certified unless this certificate page is dated and signed by me.

WITNESS MY HAND AND OFFICIAL SEAL this 21st day of February, 2002.

KIM S. NEWSOM, CCR-CVR
CCR No. B-1642

[SEAL]